

EXHIBIT D

NIDAEYA BLOUNT vs SAMUEL TESFAYE, ET AL.
Hanna Tesfaye on 09/10/2021

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| | | | |
|----|---------------------------|---|-------------------|
| 1 | NIDAEYA BLOUNT, |) | |
| 2 | |) | |
| 3 | Plaintiff, |) | |
| 4 | |) | |
| 5 | vs. |) | CASE NO. |
| 6 | |) | 1:21-cv-000189-YK |
| 7 | SAMUEL TESFAYE and MARTEN |) | |
| 8 | TRANSPORT, LTD., |) | |
| 9 | Defendants. |) | |
| 10 | _____ |) | |

CERTIFICATE OF NONAPPEARANCE

OF

HANNA TESFAYE

FRIDAY, SEPTEMBER 10, 2021

REPORTED BY: KRISTY L. CLARK, RPR, NV CCR#708, CA CSR
#13529, NC Notary #201807900150

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evavro@dmclaw.com
(VIA ZOOM)

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| 3 | Exhibit 1 | Subpoena request | 4 |
| 4 | (Exhibit late-filed at time of production) | | |
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1 I, Kristy L. Clark, Court Reporter and Notary
2 Public in and for the State of North Carolina, do
3 hereby certify that a Notice of Intention to Take Oral
4 Deposition was issued to take the oral deposition of
5 Hanna Tesfaye on the 10th day of September, 2021, at
6 10:00 a.m. via videoconference.

7 On the 10th of September, 2021, pursuant to
8 the Notice of Intention to Take Oral Deposition, I was
9 present for the taking of the deposition of Hanna
10 Tesfaye at the hour of 10:00 a.m. The following
11 persons were also present at such time: Edward M.
12 Vavro, Jr., Esq. and Joseph A. Cullen, Jr., Esq. The
13 aforementioned persons and I were present and remained
14 on the videoconference until 10:32 during which time
15 Hanna Tesfaye did not appear.

16 Further, I, Kristy L. Clark, Court Reporter
17 and Notary Public in and for the State of North
18 Carolina, do hereby certify that attached hereto is a
19 copy of the Notice of Intention to Take Oral
20 Deposition.

21 (Defendant's Exhibit 1 was marked.)

22 MR. VAVRO: Good morning. This is Mr. Vavro.
23 It's Friday, September 10th, 2021. It's 10:32. We're
24 back on the record. We convened this morning at
25 10:00 o'clock for the deposition of Hanna Tesfaye.

1 We've waited 30 minutes now, and it's apparent that
2 Ms. Tesfaye is not going to attend this deposition in
3 spite of the fact that she was served with a subpoena
4 request compelling her to attend this deposition today.
5 In fact, we engaged a process server in North Carolina
6 to serve Ms. Tesfaye and that that was captured on
7 videotape through our process server. And we note
8 that, through the video, Ms. Tesfaye refused to accept
9 service of the subpoena. In fact, threw the subpoena
10 on the ground and then later pushed the subpoena off
11 her car and never opened the subpoena to see why she
12 was being served in spite of the fact that we also sent
13 multiple letters to her home, her place of employment,
14 even sent a process server to her place of employment
15 also in an effort to serve her with a subpoena request.
16 And she refused to accept the subpoena at her place of
17 employment.

18 We will gather all of the letters that have
19 been sent to Ms. Tesfaye to document the paper trail
20 and our efforts collectively to depose Ms. Tesfaye.
21 It's unclear to both myself and plaintiff's counsel,
22 Joseph Cullen, as to why Ms. Tesfaye's being difficult
23 relative to efforts to take her deposition. We are
24 seeking to take her deposition for the sole and limited
25 purposes of obtaining her brother Samuel Tesfaye's

1 current information. Samuel Tesfaye is our client. We
2 are representing him in connection with a motor vehicle
3 accident. He was the driver of a tractor-trailer who
4 was involved in an accident, and we have not been able
5 to maintain or locate Samuel and speak with him.

6 And then we've done our due diligence, and it
7 appears that his sister, Hanna Tesfaye, was identified
8 as his emergency contact through his personnel file at
9 Marten Transport. And that's what prompted us to reach
10 out to her in an effort to obtain any updated or
11 contact information for her brother Samuel Tesfaye, so
12 we could reach out with Samuel, engage him, and
13 communicate his whereabouts to plaintiff's counsel and
14 then look to have his deposition recorded by
15 plaintiff's counsel.

16 Joe -- Joe Cullen represents the plaintiff.
17 I will ask Mr. Cullen briefly just acknowledge for the
18 record that he was here in response to the subpoena and
19 prepared to move forward with the deposition.

20 MR. CULLEN: Yes, I was present at
21 10:00 o'clock and waited a half an hour, along with
22 you, to take the deposition. So I am present and I was
23 ready to move forward with questioning about
24 Mr. Tesfaye's whereabouts.

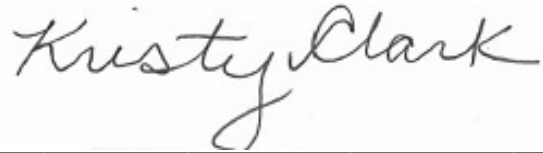
25 MR. VAVRO: Thank you, Mr. Cullen. So having

1 said that, we will communicate with our court reporter
2 to gather all of the documents that we've prepared in
3 an effort to move forward with this deposition and then
4 we will look to reconvene at a later date for
5 Ms. Tesfaye's deposition. Thank you.

6 MR. CULLEN: Thank you.

7 (Whereupon the proceedings
8 concluded at 10:35 a.m.)
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1 Witness my hand, I have hereunto affixed my
2 official seal this 13th of September, 2021, at
3 Mecklenburg County, North Carolina.

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7 Kristy L. Clark, RPR, CCR #708
8 Notary #201807900150
9 My Commission Expires:
10 3/20/2023

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